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Docket No: 02291/000J360-USO

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Zhenhua JING et al.

Serial No.: 09/863,100

Examiner: Jennine M. Brown

Filed: May 18, 2001

Art Unit: 1755

For: MAGNESIUM CHLORIDE-ALCOHOL CARRIER AND OLEFIN  
POLYMERIZATION CATALYST COMPONENTS MADE FROM THE SAME

**DECLARATION OF ZHENHUA JING UNDER 37 C.F.R. § 1.132**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

March 9, 2004

Sir:

I, Zhenhua JING, hereby declare and state as follows:

1. I am a citizen of China and I am more than 21 years of age.
2. I am a co-inventor of the subject matter described and claimed in the above-identified patent application.
3. I have reviewed the above-identified application, the pending claims, the November 3, 2003 Office Action, and the references cited therein.
4. The anhydrous  $\alpha$ -magnesium chloride that exhibited the XRPD spectrum in Figure A was prepared by milling commercially available anhydrous  $\alpha$ -

magnesium chloride to particles with an average particle size of about 70 microns under nitrogen atmosphere.

5. Figure A is an x-ray powder diffraction (XRPD) spectrum (obtained by the procedure described at page 11, lines 17-22 of the double-spaced substitute specification) of the anhydrous  $\alpha$ -magnesium chloride prepared in paragraph 4 above. Several characteristic diffraction lines of anhydrous  $\alpha$ -magnesium chloride are identified by asterisks (\*) in Figure A

6. Attached as Figure B is a copy of Figure 1 of the present application. Figure B is an XRPD spectrum of carrier C obtained in Example 3 of the present application.

7. Like Figure A, Figure B also exhibits the same characteristic diffraction lines of anhydrous  $\alpha$ -magnesium chloride (also identified with asterisks).

8. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Mar. 08, 2004

Date

Zhenhua JING

Zhenhua JING

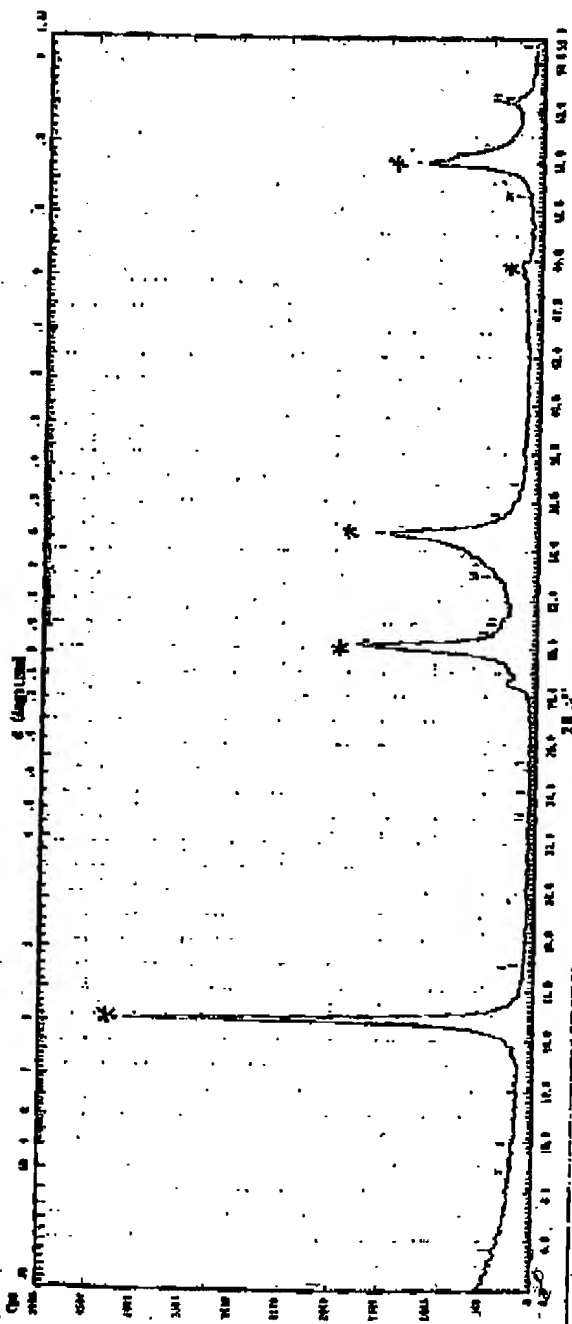


Figure A X-ray powder diffraction spectrum of  $\alpha$ -anhydrous magnesium chloride

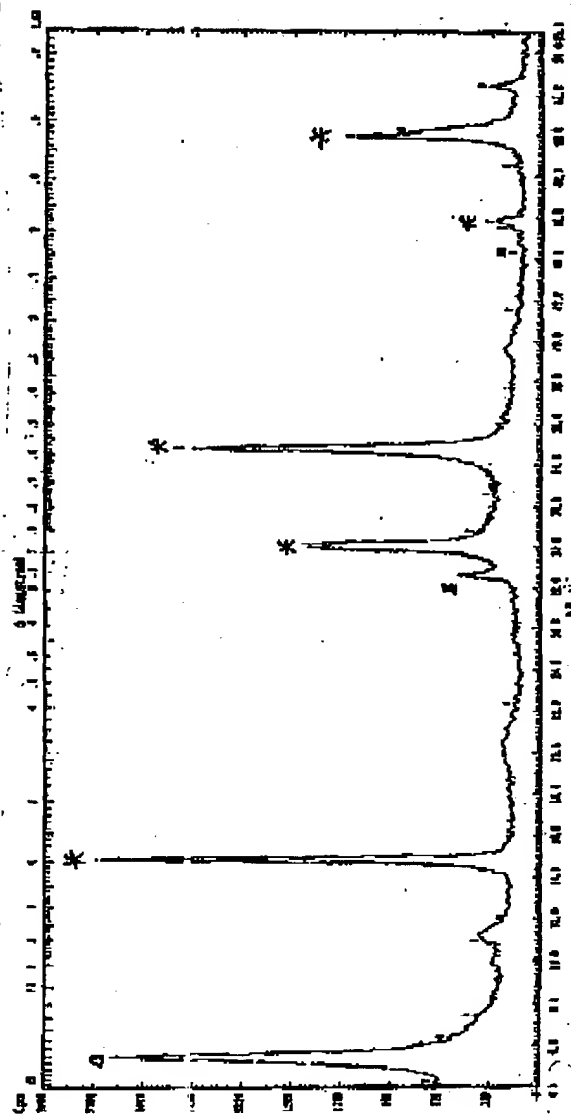


Figure B X-ray powder diffraction spectrum of the carrier C obtained in Example 3